

REMARKS

Claims 1-8 and 10-17 are pending in this application. By this Amendment, claims 9 and 18 are canceled without prejudice or disclaimer, and claims 1-8 and 10-17 are amended. Support for the amendment may be found in, for example, at least Figures 4 and 17 and the corresponding disclosures in the Specification. The amendment introduces no new matter.

Applicant notes that the Information Disclosure Statement filed March 15, 2007 has not been considered. Applicant respectfully requests the consideration of the references submitted in the March 15 Information Disclosure Statement.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Nguyen in the June 11 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks. Reconsideration of the application is respectfully requested.

I. Claims Define Patentable Subject Matter

The Office Action (1) rejects claims 1, 4, 6, and 7 under 35 U.S.C. § 102(e) as being anticipated by Maede et al. (U.S. Patent No. 6,756,738; hereinafter Maede); (2) rejects claims 2, 3, 5, and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Maede in view of Kim et al. (U.S. Patent No. 6,633,136; hereinafter Kim); (3) rejects claims 8 and 13-15 under 35 U.S.C. § 103(a) as being unpatentable over Maede; and (4) rejects claims 9-12 under 35 U.S.C. § 103(a) as being unpatentable over Maede in view of Kasai (U.S. Patent No. 7,102,600). Applicant respectfully traverses the rejections.

A. Kasai is Improperly Applied

The rejection of claims 9-12 under 35 U.S.C. § 103(a) based on Maede and Kasai is improper because Kasai qualifies as prior art under the provision of 35 U.S.C. § 102(e). Because Kasai shares a common assignee as well as common inventorship with those of this

application, Kasai cannot be used to properly reject the claims by virtue of the § 103(c) exemption.

Applicant respectfully notes that this application claims priority to Japanese Patent Application No. 2003-054012 filed on February 28, 2003, which discloses at least the subject matter recited in the pending claims of this application. A certified copy of the English translation of Japanese Patent Application No. 2003-054012 is hereby attached.

Specifically, Kasai was first published on April 10, 2003, which is later than the priority date of this application, thus Kasai does not qualify as prior art under 35 U.S.C. § 102(a). Additionally, because the publication date of Kasai is less than one year prior to the filing date of this application, Kasai does not qualify as prior art under 35 U.S.C. § 102(b). Kasai has a U.S. filing date of July 31, 2002, thus it qualifies as prior art under the provision of 35 U.S.C. § 102(e). However, Kasai shares a common assignee as well as common inventorship with those of this application. Therefore, Kasai is improperly applied as prior art in the § 103(a) rejection of the claims by virtue of the § 103(c) exemption, as indicated in MPEP § 2141.01.

For at least these reasons, Kasai cannot be used to properly reject the claims of this application. Accordingly, withdrawal of the rejection of claims 10-12 under 35 U.S.C. § 103(a) based on Maede and Kasai is respectfully requested.

B. Claims 1-8 and 10-17 are Patentable Over Cited Prior Art

Maede and Kim, taken individually or in combination, fail to disclose or suggest an electro-optical apparatus including at least pixel circuits having a plurality of types of pixel circuits corresponding to a plurality of primary colors; a current generating circuit having a first resistor and a second resistor, one end of each of the first resistor and the second resistor being coupled to a power supply terminal, and a resistance of the first resistor and a resistance of the second resistor being different; and a setting circuit that sets individually a resistance of

at least one of the first resistor and the second resistor for each of the primary colors, as recited in independent claim 1 and similarly recited in independent claim 2.

As agreed during the interview, Applicant's amendment to independent claim 1 distinguishes the claims over Maede. Accordingly, Applicant respectfully request the withdrawal of the rejections of claims 1, 4, 6-8, and 13-15.

With regard to claims 2, 3, 5, 16, and 17, the Office Action alleges that Kim cures the deficiencies of Maede by teaching a variable resistor connected to a second transistor (Office Action, pg. 3, ¶ 4). Applicant respectfully disagrees.

Specifically, Kim discloses a current control circuit that compensates for manufacturing deviations by including a variable resistor VR connected between a transistor Qp1 and load 2 (Kim, Fig. 2; col. 2, ll. 9-16), but fails to disclose or render obvious a an electro-optical apparatus as recited in independent claim 2. Accordingly, Kim does not cure the deficiencies of Maede, and a combination of Maede and Kim would not have arrived at the subject matter as recited in independent claim 2.

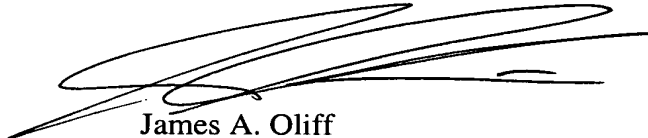
In accordance with the above remarks, independent claims 1 and 2 define patentable subject matter. Claims 3, 5, 16, and 17 depend from claim 2, and therefore are also patentable for the same reasons, as well as for the additional features they recite. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 2, 3, 5, 16, and 17.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 and 10-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JCL

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Attachment:

Certified Copy of the English Translation of Priority Document Japanese Patent
Application No. 2003-054012

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